

Appl. No. 09/736,345  
Amdt. Dated December 3, 2003

### REMARKS

Claims 12-55 are pending. Claims 1 – 11 have been withdrawn and canceled.

Applicant has filed this supplemental amendment to formally cancel claims 2-11, which were inadvertently not cancelled in the previous response filed on 8/8/03.

In addition, the Applicant wishes to request a refund for fees charged. In more detail, Examiner Kramer granted the Applicant's attorney the courtesy of a telephonic interview on 12/2/03. The discussion was directed to filing fees charged thus far to the Applicant's Attorney Deposit Account, as well as the Applicant's intent in withdrawing the originally filed claims 2-11. Specifically, the Applicant did not intend for these claims to remain active in the case, so as to incur additional filing fees when new claims 12-55 were filed on 8/8/03.

To that end, Examiner Kramer suggested this supplemental amendment canceling claims 2-11, and further requested that the Applicant request a refund for an overcharge of \$73. The Examiner indicated that this canceling of the claims would be allowable in light of the circumstances, and because he had not yet acted on the amendment filed on 8/8/03.

Thus, here is the Applicant's accounting of filing fees and payments made thus far:

**Fees Incurred by Applicant** - The Applicant's original application had a total of 11 claims, all of them independent. Thus, the original filing fee should have been \$675 (basic filing fee of \$355 plus \$320 for the 8 extra independent claims, at \$40 each). The amendment filed on 8/8/03, in conjunction with this supplemental amendment, cancelled claims 1-11, and added new claims 12-55. These 44 new claims included 8 independent claims, with 24 claims in excess of 20. Thus, the filing fee incurred here is \$216 (24 extra claims at \$9 each). Thus, to date, the Applicant's filing fees total \$891 (\$675 + \$216). Note that the 8 new independent claims (claims 12, 39, 40, 48, and 52-55) are covered by the original filing fee of \$675, which included the fee for up to 11 independent claims.

**Fees Already Paid by Applicant** - The Applicant has previously paid the basic filing fee of \$355 (at time of filing). In addition, on 10/16/03, the Applicant's Attorney Deposit Account was charged four times (\$210, \$207, \$84, and \$108) for a total of \$609. Thus, to date, the Applicant has paid a total of \$964 (\$355 + \$609).

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**Requested Refund** - The Applicant has therefore paid \$964, but should have only paid \$891. As such, a refund of \$73 (\$964-\$891) is respectfully requested to the Applicant's Attorney Deposit Account 500323.

Favorable action is solicited, and the Applicant kindly invites the Examiner to contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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